

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

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360 PAINTING, LLC,

*Plaintiff,*

v.

CELESTINE OBI,

*Defendant.*

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Civil Action No. 1:15-cv-1064

**ORDER**

This matter comes before the Court on the Report and Recommendation of Magistrate Judge Davis dated November 7, 2016. Defendant has not filed any objections to the Report and Recommendation. Based on a review of the Complaint, Plaintiff's Motion for Default Judgment, and the supporting exhibits, the Court ADOPTS IN PART the findings and recommendation of the Magistrate Judge.


It is hereby ORDERED that Plaintiff's Motion for Default Judgment is GRANTED IN PART;

Specifically, Defendant is:

- Preliminarily and permanently enjoined from utilizing Plaintiff's Trade Secrets and Proprietary Mark, and holding itself out to the public as a franchisee of Plaintiff;
- Ordered to return such Trade Secrets to Plaintiff;
- Ordered to file with the Court and to serve on Plaintiff's counsel, within fifteen (15) days after the entry of this Order, a written report under oath setting forth the manner in which Defendant has complied with the Order;

Plaintiff's Motion for Default Judgment is DENIED IN PART with respect to prayed-for damages. Plaintiff's damages claims in its pleadings are too speculative for the Court to make the requested award. If Plaintiff has good cause to do so, it may notice a hearing with the Court, or submit a supplemental pleading, including the contract between the parties as well as affidavits specifying the support for the damages its seeks by presenting evidence that damages are not speculative and are provable with reasonable certainty. The notice of a hearing or supplemental pleading shall be filed with the Court within thirty (30) days of the entry of this Order. If Plaintiff has not satisfied this filing requirement by the end of the thirty-day period, the Clerk of Court is instructed that the remainder of the Complaint is DISMISSED WITH PREJUDICE.

December 12, 2016  
Alexandria, VA

/s/   
Liam O'Grady  
United States District Judge